

BEFORE THE IOWA BOARD OF PHARMACY

Re:)	CASE NO. 2014-205
Pharmacy Technician Registration of)	
)	
CATHERINE NEWQUIST)	COMBINED STATEMENT OF
Registration No. 21120,)	CHARGES, SETTLEMENT
Respondent.)	AGREEMENT AND FINAL ORDER

COMES NOW the Iowa Board of Pharmacy ("Board") and Catherine Newquist ("Respondent"), 517 N. 8th Street, Winterset, IA 50273, and enter into this Combined Statement of Charges, Settlement Agreement, and Final Order ("Agreement") pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) (2015), stating the following:

1. Respondent holds Iowa pharmacy technician registration number 21120, which is currently active and expires on September 30, 2015.
2. The Board has jurisdiction over the parties and the subject matter of these proceedings.

A. STATEMENT OF CHARGES

Count I

ENGAGING IN UNETHICAL BEHAVIOR—THEFT

3. Respondent is charged with engaging in unethical behavior—theft in violation of 657 IAC 3.28(4), pursuant to Iowa Code sections 147.55(9) and 155A.6A(5), and 657 IAC 3.30, 36.1(4)"c" and "u".

Count II

UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE

4. Respondent is charged with unlawful possession of a controlled substance in violation of Iowa Code section 124.401(5), pursuant to Iowa Code sections 147.55(9) and 155A.6A(5), and 657 IAC 3.30 and 36.1(4)"j".

Count III

VIOLATION OF A LAW RELATED TO PRESCRIPTION DRUGS

5. Respondent is charged with violating a statute or law of this state that relates to the practice of pharmacy or the distribution of controlled substances, prescription drugs, or nonprescription drugs, pursuant to Iowa Code sections 147.55(3), (9), and 155A.6A(5), and 657 IAC 3.30 and 36.1(4)"j".

B. FACTUAL CIRCUMSTANCES

6. Respondent was formerly employed as a pharmacy technician in Winterset, Iowa.

7. Respondent admitted to diverting approximately 35 tablets of hydrocodone/APAP from pharmacy stock for personal use.

8. In February 2015, Respondent entered guilty pleas to two counts of unlawful possession of a prescription drug and one count of theft in the 5th degree in Madison County, Iowa.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

9. Execution of this Combined Statement of Charges, Settlement Agreement, and Final Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's action, by freely and voluntarily entering into this Agreement. This Agreement shall constitute the final order of the Board in this case and shall have the force and effect of a disciplinary order entered following a contested case hearing.

10. Respondent admits the allegations, and acknowledges that the allegations, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Combined Statement of Charges, Settlement Agreement, and Final Order.

11. Respondent is freely and voluntarily entering into this Agreement.

12. Respondent acknowledges that she has the right to be represented by counsel on this matter.

13. Respondent agrees that the State's counsel may present this Agreement to the Board and may have *ex parte* communications with the Board while presenting it.

14. This Agreement is subject to approval by the Board. If the Board does not approve this Agreement, it shall be of no force or effect on either party, and shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Agreement, it shall be the full and final resolution of this matter.

15. This Agreement, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.

16. This Agreement shall not be binding as to any new complaints received by the Board.

17. This Agreement shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

18. Respondent acknowledges and understands that this Agreement will be reported to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank, as applicable.

19. The Board's approval of this Agreement shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

20. Respondent agrees to **VOLUNTARILY SURRENDER** her pharmacy technician registration to resolve this matter.

21. This voluntary surrender is considered a revocation under 657 IAC 36.15 for purposes of reinstatement. Respondent may not request reinstatement for at least one year from the date of this Order.

22. Respondent may request reinstatement of her Iowa pharmacy technician registration by filing an application for reinstatement under 657 IAC 36.13. Respondent's registration shall not be reinstated except upon a showing by Respondent that the basis for suspension of his registration no longer exists, and that it is in the public interest for the registration to be reinstated.

23. Respondent agrees not to work in a pharmacy in any capacity in Iowa unless her registration is reinstated.

24. Respondent shall immediately surrender her pharmacy technician registration to the Board.

25. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 272C and 155A (2015) and 657 IAC 36.

This Combined Statement of Charges, Settlement Agreement, and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 30th day of March, 2015.

I am not in possession of my certificate. To my knowledge Shopko Pharmacy still has it.

Catherine Newquist
CATHERINE NEWQUIST
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is accepted by the Iowa Board of Pharmacy on the 29th day of April, 2015.

[Signature]
EDWARD MAIER, Chairperson
Iowa Board of Pharmacy
400 SW Eighth Street, Suite E
Des Moines, Iowa 50309-4688

Copy to:

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ATTORNEY FOR THE STATE